

California Regional Water Quality Control Board  
Santa Ana Region

August 22, 2003

ITEM NO. 12

SUBJECT: Appeal for an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Laura Zambrano, 21919 Burch Street, Perris, APN 315-151-009

DISCUSSION:

On July 31, 2003, Ms. Zambrano submitted a letter requesting an exemption from the Board's minimum lot size requirements for the use of a septic tank-subsurface disposal system on her 0.43-acre lot at 21919 Burch Street in Perris. Ms. Zambrano wishes to upgrade her existing septic system tank from 1,000 gallons to 1,500 gallons to accommodate additional flows for a second dwelling unit.

There are currently 2 mobile homes on the lot that are connected to an existing 1,000-gallon septic tank-subsurface disposal system. The second home was placed on the site without permit some time after 1989. This area of Perris is unsewered. Due to recent financial hardships, Ms. Zambrano's parents have been forced to move in with her. Ms. Zambrano is proposing to upgrade her existing septic system to a 1,500-gallon tank to accommodate the flows from both mobile homes.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region. Ms. Zambrano's proposed development is a new development as defined in Resolution No. 89-157 and is therefore subject to the minimum lot size requirements specified therein. With a density of 0.215 acre per dwelling unit, Ms. Zambrano's proposal does not comply with the Board's minimum lot size requirements.

The minimum lot size exemption criteria to be used by Board staff specify that replacement of existing septic tank-subsurface disposal systems to allow additional flows resulting from additions to existing dwelling units is exempt from the one half acre requirement. However, the Board's exemption criteria specifically state that such exemption does not apply to the addition of freestanding structures, such as the second mobile home on Ms. Zambrano's property. In establishing the exemption criteria, the Board made this distinction because of the potential that the addition of freestanding structures could result, either immediately or in the future, in substantially greater wastewater flows than would be expected as the result of additions to an existing dwelling.

In light of these circumstances, Board staff denied Ms. Zambrano's request for an exemption from the minimum lot size requirements.

Ms. Zambrano notes that the additional flows that would occur as a result of this project would be no greater than the flows that would be allowed if she were to add on to her existing house, which would be exempt from the minimum lot size criteria. On this basis, Ms. Zambrano is appealing to the Regional Board for reversal of staff's denial of an exemption from the minimum lot size requirements. While it is true that there would be no difference in wastewater flows on an immediate basis, i.e., while Ms. Zambrano own the property and her parents reside with her, there can be no guarantee that wastewater flows would not increase considerably in the future. As stated above, it was on this basis that the Board determined not to exempt the addition of freestanding structures from the minimum lot size requirements. However, this is an exceptional case in that the additional structure is also a mobile home. Ms. Zambrano has offered to remove her parents' mobile home from her property once it is no longer required and has agreed to enter into an Agreement of Restriction to be recorded with the property Chain of Title that stipulates that this property may not be sold until the mobile home has been removed.

**RECOMMENDATION:**

Approve Ms. Zambrano's request for an exemption from the minimum lot size requirement specified in Resolution No. 89-157 with the following stipulations: 1) Once the mobile home is no longer required for the use of Ms. Zambrano's parents, it shall be removed from her property; and 2) Ms. Zambrano must enter into an Agreement of Restriction, which shall become a part of the Chain of Title, that the property may not be sold until the second mobile home has been removed.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon  
Riverside County Environmental Health – Sam Martinez/Greg Dellenbach